APPENDIX "A"
CODE OF 1882

ARTICLE 1402. "The consent of those who contract must be clearly shown."

ARTICLE 1404. "He only who has a physical inability to speak or write can express his consent by other unquestionable signs."

ARTICLE 1787. "The defence of nullity of a contract is perpetual."

ARTICLE 3056. "A contract of purchase and sale does not require for its validity any special formality, except when it pertains to immovable property."

ARTICLE 3057. "A sale of an immovable property, the value of which does not exceed five hundred dollars, can be made by a 'private instrument' which the vendor and the purchaser shall sign in the presence of two known witnesses."

ARTICLE 3058. "If any of the contracting parties should not know how to write, another person not under legal disability, shall sign it in his name, and at his request, but none of the witnesses can sign in the same manner," (that is, through another person).

ARTICLE 3059. "Two originals shall be formed of said instrument, one for the purchaser, and the other for the public registry, both to bear the corresponding stamps."

ARTICLE 3060. "If the value of the immovable property exceeds five hundred dollars, the sale shall be reduced to a deed made before a notary ('public writing')."

ARTICLE 3372. "The title and legal possession of the properties, and the rights and obligations of the author of the

inheritance, are transmitted by the death of the latter to his heirs on the terms established in the present book."

CODE OF 1898

ARTICLE 1598. "If the proof is sufficient and all be agreed, including the representative of the Treasury the Judge shall declare them to be the heirs in the portions to which they would have a right."

ARTICLE 3604. "The possession of the hereditary property is transmitted through the agency of the law to the universal executor from the moment of the death of the author of the inheritance, save as regards the provisions of Article 2068." Those are: "One of the consorts having died, the survivor shall continue in the possession and administration of the social fund with the intervention of the executor (representative) of the will, until the partition is effected."

CONSTITUTION OF 1917

(Only pertinent parts are quoted)

ARTICLE 27. "The ownership of lands and waters comprised within the limits of the national territory is vested originally in the Nation, which has had, and has, the right to transmit title thereof to private persons, thereby constituting a private property.

Private property shall not be expropriated except for reasons of public utility and *by means of indemnification.*

The nation shall have at all times the right to impose on private property such limitations as the public interest may demand as well as the right to regulate the devolpment of natural resources, which are susceptible of appropriation, in

order to conserve them and equitably to distribute the public wealth. For this purpose necessary measures shall be taken to divide large landed estates; to develop small landed holdings; to establish new centers of rural population with such lands and waters as may be indispensible to them; to encourage agriculture and to prevent the destruction of natural resources, and to protect property from damage detrimental to society. Settlements, hamlets situated on private property and communes *with* lack lands or water or do not possess them in sufficient quantities for their needs shall have the right to be provided with them from the adjoining properties, always having due regard for small landed holdings. Wherefore, all grants of land made up to the present time under the decree of January 6, 1915, are confirmed. Private property acquired for the said purposes shall be considered as taken for public utility."

"Legal capacity to acquire ownership of lands and waters of the nation shall be governed by the following provisions:

I. Only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership in lands, waters and their appurtenances, or to obtain concessions to develop mines, waters and mineral fuels in the Republic of Mexico. The Nation may grant the same right to foreigners provided they agree before the Department of Foreign Affairs to be considered Mexicans in respect to such property, and accordingly not to invoke the protection of their governments in respect to the same, under penalty, in case of breach, of forfeiture to the Nation of property so acquired. Within a zone of 100 kilometers from the frontiers, and 50 kilometers from the sea coast, no foreigner shall under any conditions acquire ownership of lands and waters."

"During the next constitutional term, the Congress and the State Legislatures shall enact laws, within their respective jurisdictions, for the purpose of carrying out the division of large landed estates, subject to the following conditions:

(a) In each State and Territory there shall be fixed the maximum area of land which any one individual or legally organized corporation may own.

(b) The excess of the area thus fixed shall be subdivided by the owner within the period set by the laws of the respective locality; and these subdivisions shall be offered for sale on such conditions as the respective governments shall approve, in accordance with the said laws.

(c) If the owner shall refuse to make the subdivision, this shall be carried out by the local government, by means of expropriation proceedings.

(d) The value of the subdivisions shall be paid in annual amounts sufficient to amortize the principal and interest within a period of not less than twenty years, during which the person acquiring them may not alienate them. The rate of interest shall not exceed five per cent per annum.

(e) *The owners shall be bound to receive bonds of a special issue to guarantee the payment of the property expropriated. With this end in view, the Congress shall issue a law authorizing the States to issue bonds to meet their agrarian obligations.*

(f) The local laws shall govern the extent of the family patrimony, and determine what property shall constitute the same on the basis of its inalienability; it shall not be subject to attachment nor to any charge whatever.

All contracts and concessions made by former governments from and after the year 1876 which shall have resulted in the monopoly of lands, waters and natural resources of the Nation by a single individual or corporation, are declared subject to revision, and the Executive is authorized to declare those null and void which seriously prejudice the public interest."

TRANSITORY ARTICLE 11. Until such time as the Congress of the Union and the State Legislatures shall legislate on the agrarian and labor problems, the bases established by this Constitution for the said laws shall be put in force throughout the Republic."